

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814  
(916) 323-2330



February 14, 1984

ALL-COUNTY LETTER NO. 84-24

• TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: STATISTICAL REPORTING ON THE INCIDENTS OF ELDER ABUSE AND DEPENDENT  
ADULT ABUSE

REFERENCE: ACL NO. 84-04

Beginning January 1, 1984, as directed in All-County Letter No. 84-04, all counties are to keep records of the number of reports made to the county welfare departments on abuses to the elderly. Counties may maintain records on the number of reports on abuses to dependent adults.

The attached Form SOC 340 and instructions for completion of the form are provided for use in reporting monthly counts to the Department of Social Services (DSS).

Counts of abuse are reportable on elder adults (age 65 and older) and on dependent adults (age 18 to 64). The number of reports counties receive on elder abuse must be reported to DSS. Counties may report the number of reports counties received on abuse to dependent adults.

Reports are to be received by the tenth working day of the month following the report month and are to be forwarded to:


Department of Social Services  
Statistical Services Branch  
744 P Street, M.S. 12-81  
Sacramento, CA 95814

Since counties will not receive these instructions in time to submit the January 1984 report by the due date, counties may submit the January report at the time that the February report is submitted.

Forms will be available in March 1984 and may be ordered in the usual manner. However, for the January and February reports, counties are requested to report on photocopies of the form accompanying these instructions.

If you have any questions regarding this reporting, please telephone Kip Steely at (916) 323-2330 or (ATSS) 473-2330.

Sincerely,

  
ROBERT T. SERTICH  
Deputy Director  
Administration

Attachment

REPORTING INSTRUCTIONS  
ELDER ABUSE/DEPENDENT ADULT ABUSE

Monthly Statistical Report (Form SOC 340)

CONTENT

This report provides summary statistical information describing the incidents of abuse for two categories of adults: Elder adults - age 65 and older, and dependent adults - age 18 to 64.

PURPOSE

The purpose of this report is to meet the mandate set forth in Division 8.5 of the W&I Code. This information will be used by the Department of Social Services to prepare a required report to the Legislature.

DISTRIBUTION

Information collected through this report will be compiled for the preparation of the statutorily required report to the Legislature. Summaries of the information will be made available to interested agencies and persons.

DUE DATE

Reports are to be received in Sacramento on or before the tenth working day of the month following the report month.

SUBMITTAL

Send the completed reports to:

Department of Social Services  
Statistical Services Branch  
744 P Street, Mail Station 12-81  
Sacramento, CA 95814

If the report will be either delayed or incomplete in any way, please contact the Statistical Services Branch at (916) 323-2230 or ATSS 492-2230.

## Definition of Terms:

The definitions of what constitutes a report of abuse for elder adults and for dependent adults differ. Division 8.5 of the Welfare and Institutions Code, Chapter 4.5, Section 9380 defines elder abuse, while Section 15610 defines dependent adult abuse. The definitions of both types of abuse are as follows:

### Elder Adult Abuse:

"Elder" means a person 65 years of age or older.

1. "Elder abuse" means any one or more of following acts which are inflicted by other than accidental means on an elder by another person: physical abuse, fiduciary abuse, neglect, or abandonment.
2. "Physical abuse" means a situation where any person who has the care or custody of, or who stands in a position of trust with, an elder, willfully inflicts upon that elder any cruel or inhuman corporal punishment or injury. Physical abuse includes, but is not limited to, direct beatings, sexual assault, unreasonable physical constraint, or prolonged deprivation of food or water.
3. "Fiduciary abuse" means a situation where any person who stands in a position of trust with respect to an elder, willfully steals the money or property of that elder, or secretes or appropriates the money or property of that elder, to any use or purpose not in the due and lawful execution of his or her trust.
4. "Neglect" means the negligent failure of any person having the care or custody of an elder to exercise that degree of care which a reasonable person in a like position would exercise. Neglect includes, but is not limited to:
  - a. Failure to assist in personal hygiene, or in the provision of food and clothing for an elder.
  - b. Failure to provide the medical care for the physical and mental health needs of an elder. No person shall be deemed neglected or abused for the sole reason that he or she voluntarily relies on treatment by spiritual means through prayer alone in lieu of medical treatment.
  - c. Failure to protect an elder from health and safety hazards.
  - d. Failure to prevent an elder from suffering malnutrition.
5. "Abandonment" means the desertion or willful forsaking of an elder person by any person having the care or custody of that elder under circumstances in which a reasonable person would continue to provide care or custody.

### Dependent Adult Abuse:

The term "dependent adult" means any person residing in California who is between the ages of 18 and 64 who has physical, mental, or financial limitations which restrict his or her individual ability to carry out normal activities of daily living, ability to protect his or her own rights, and which threaten the individual's capacity to live an independent life.

1. The term "abuse" means the infliction of injury, intimidation, cruel punishment or other treatment with resulting physical harm or pain or mental suffering, or the deprivation by a care-giver of goods or services which are necessary to avoid physical harm or mental suffering.
2. "Neglect" means the failure of any person having the care or custody of a dependent adult to exercise that degree of care which a reasonable person in a like position would exercise.

Neglect includes, but is not limited to:

- a. Failure to assist in personal hygiene, or in the provision of food and clothing for a dependent adult.
- b. Failure to provide the medical care for the physical and mental health needs of a dependent adult. No person shall be deemed neglected or abused for the sole reason that he or she voluntarily relies on treatment by spiritual means through prayer alone in lieu of medical treatment.
- c. Failure to protect a dependent adult from health and safety hazards.
- d. Failure to prevent a dependent adult from suffering malnutrition.
3. The term "abandonment" refers to the desertion or willful forsaking of a dependent adult by a care-giver.
4. "Physical abuse" means a situation where any person who has the care or custody of, or who stands in a position of trust with, a dependent adult, willfully inflicts upon that dependent adult any cruel or inhuman corporal punishment or injury. Physical abuse includes, but is not limited to, direct beatings, sexual assault, unreasonable physical constraint, or prolonged deprivation of food or water.
5. The term "mental suffering" means deliberately subjecting a person to fear, agitation, confusion, severe depression, or other forms of serious emotional distress, through threats, harassment, or other forms of intimidating behavior.
6. The term "goods or services which are necessary to avoid physical harm or mental suffering" includes but is not limited to: a) the provision of medical care for physical and mental health needs; b) assistance in

personal hygiene; c) possessing adequate clothing; d) adequately heated and ventilated shelter; e) protection from health and safety hazards; f) protection from malnutrition, under those circumstances where the results include, but are not limited to, malnutrition and deprivation of necessities or physical punishment, and g) transportation and assistance necessary to secure any of the needs set forth in paragraphs (a) through (f). No person shall be deemed neglected or abused for the sole reason that he or she voluntarily relies on treatment by spiritual means through prayer alone in lieu of medical treatment.

7. The term "care-giver" means any person, health facility, community care facility, clinic, home health agency or legal guardian or conservator who provides goods or services necessary to avoid physical harm or mental suffering, and who performs duties.

## GENERAL INSTRUCTIONS

Reporting on the Elder Abuse (age 65 or older) is mandated by the W&I Code; counties must maintain a monthly tally of reports of abuse on this population. Count each report of abuse without regard to previous or subsequent action.

If more than one report on the same incident of abuse on the same victim is received from more than one source during the same month, count each report of abuse individually. Thus, separate reports from different sources (e.g., from the police and from a neighbor) for the same incident are to be counted separately - as two reports of abuse. However, report only once an incident in which a report is received (by telephone or other means), and is followed by a written report from the same source.

If reports of more than one incident of abuse on the same victim are received during the same month, count each report separately. For example, if a report of abuse is received regarding an incident which took place on Saturday and another report is received (from any source) regarding a second incident of abuse to the same person which took place on Sunday, count each report separately.

To report on Dependent Adult Abuse (age 18-64), use the same methodology used for reporting abuse to elders.

## ITEM INSTRUCTIONS

Item 1. Elder Abuse - Age 65 or older (Reporting Required)

Enter the total number of reports of abuse as defined above which occurred in your county during the report month.

Item 2. Dependent Adult Abuse - Age 18 - 64

Enter the total number of reports of abuse as defined above which occurred in your county during the report month.

Fill in the information requested at the top and bottom of the report form and enter the counts required for each item. If there is nothing to report for an item, enter "0".

# **ELDER ABUSE/DEPENDENT ADULT ABUSE MONTHLY STATISTICAL REPORT**

Send a copy to:

*Department of Social Services  
Statistical Services Branch  
744 P Street, Mail Station 12-81  
Sacramento, California 95814*

COUNTY		1
MONTH	YEAR	2

TYPE OF ADULT ABUSE REPORTED — BY CATEGORY	NUMBER OF REPORTS OF ABUSE RECEIVED BY THE COUNTY
ELDER ABUSE — AGE 65 OR OLDER (REPORTING MANDATED)	
DEPENDENT ADULT ABUSE — AGE 18-64	

**Directions:** Count each report of abuse, without regard to previous or subsequent action. If more than one report of an incident of abuse on the same victim is received by the county from different sources, count each as an individual report of abuse.

REPORT PREPARED BY	TELEPHONE NUMBER	DATE
	( )	